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EXAMINER

POPOVICI, DOV

ART UNIT

PAPER NUMBER

2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

With respect to applicant argument that "Another feature that Pelanek and the other Cited References fail to teach or suggest as now claimed in independent claim 15 is to record medical data viewing software on the same disc as the medical data. By not even mentioning this feature, the Examiner seems to implicitly acknowledge that Pelanek does not teach or describe this feature as claimed in independent claim 15." the argument has been considered, and the examiner agrees that Pelanek appears not teach recording medical data viewing software on the same disc as the medical data. However, claim 15 does not call for or does not recite "recording medical data viewing software on the same disc as the medical data" as argued.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., recording medical data viewing software on the same disc as the medical data) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant argument that none of the cited art teaches parsing received medical data with a software module for patient identification information and study information and printing a template with that parsed information to label the disc. Applicant argument has been considered, but not found to be persuasive because of

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the following reasons: Pelanek et al. teaches medical image archiving with lossy images on two or more recordable CDS. On column 5, lines 40-50, Pelanek discloses the user enters the patient's name, ID number, etc, into the archive station 32 by user input device 44, if this information cannot be supplied via the XEM motion image source interface 58. (See column 5, lines 40-50). Clearly, Pelanek discloses parsing received medial data with a software module for patient identification information and study information. Kahle teaches a print template file (see the title, and see column 7, lines 1-5) and a print template merge file (form, see column 7, lines 1-4) for printing a template on the DISC (see column 7, lines 55-60). It would also have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Pelanek by Kahle because it would provide a system for printing on disc immediately before and/or after it is recorded, without requiring the manual writing of information; and the product quality and integrity as well as improved production cycle time can be assured; as taught by Kahle, column 1, lines 40-50.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

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reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is 571-272-4083. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Dov Popovici/
Primary Examiner, Art Unit 2625